

REMARKS

New claims 1, 3-15, 21, and 23-26, as amended, and new claims 27-33 appear in this application for the Examiner's review and consideration. Claims 2, 16-20 and 22 have been cancelled without prejudice to applicants' rights to file a continuing or divisional application for the subject matter disclosed therein.

The indication of allowable subject matter in claims 2, 7-14, and 23-26 is noted with appreciation. Accordingly, claim 1 has been amended to include the features of claim 2 and is now allowable. As claims 3-6, 12-15 and 30 depend from amended claim 1, these claims are also believed to be in condition for allowance. In addition, claim 7 has been re-written in independent form combining the features of claims 7, 8, 9 and 11, so that it, too, is now allowable. Claims 8-11, amended to be consistent with amended claim 7, and new claims 28-29 depend from claim 7 and are also in condition for allowance. Furthermore, claim 21 has been amended to combine the features recited in claim 22 and allowable claims 23 to 26, so that that claim is allowable. Claims 23-26, amended to be consistent with amended claim 21, and new claims 27 and 32 depend from claim 21 and are also in condition for allowance. As none of these changes introduces new matter, they all should be entered at this time. The present amendments and claim cancellations also moot all prior rejections.

New claim 33 has also been added. This claim is similar to prior claim 1 but also recites implementing at least two additional treatment steps to reduce any remaining surface defects and enhance smoothness, wherein the additional treatment steps include:

- (a) a polishing step and at least one sacrificial oxidation stage;
- (b) two sacrificial oxidation stages;
- (c) a polishing step and another rapid thermal annealing stage; or
- (d) a sacrificial oxidation stage and another rapid thermal annealing stage.

Claims 1-4 and 15 were rejected as being unpatentable over a newly cited US patent, namely 6,809,015 to Kobayashi et al. ("Kobayashi"), with claim 5 being rejected over Kobayashi in view of US patent 5,403,406 to Falster and claim 6 rejected over Kobayashi in view of US patent 5,966,625 to Zhong. The Examiner's reasons in support of this rejection appear on pages 2-4 of the action. Applicants submit that these rejections do not apply to new claim 33.

As noted above, claim 33 recites implementing at least two additional treatment steps to reduce any remaining surface defects and enhance smoothness. As noted in the current office action, Kobayashi does not disclose a step of polishing the wafer after rapid thermal anneal, and also does not disclose a step of implementing at least one sacrificial

oxidations stage to reduce slip lines in the wafer. Since he does not disclose even one additional treatment to reduce surface defects and enhance smoothness, he certainly cannot disclose at least two or more of such steps. The secondary references to Falster and Zhong are each cited as teaching one of these additional steps, but these do not teach using at least two or more of such steps. In contrast, the present specification teaches that the use of an initial rapid thermal annealing step conducted under a pure argon atmosphere smooths the free surface of the wafer and facilitates the additional treatments to remove any remaining surface defects and further enhance the smoothness and surface condition of the wafer. Also, multiple additional treatment steps were previously defined by claims 7-14 and 23-26, claims which have been indicated as being allowable in the current office action. As claim 33 is generic to the combinations of additional treatments disclosed in those claims as well as to other combinations disclosed in the specification, this claim is believed to be patentable.

In view of the above, the entire application is believed to be in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree, a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Respectfully submitted,

May 23, 2005
Date


Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN LLP
Customer No. 28765
212-294-3311

NY:936551.3